



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,890	12/24/1998	HIROSHI MORIKAWA	0557-4557-2	4189

22850 7590 06/05/2002

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PH

Office Action Summary

Application No.

09/219,890

Applicant(s)

MORIKAWA, HIROSHI

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002 and 28 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to the Provisional Election and the Amendment A filed 3/26/2002 and 11/28/2001 respectively.
2. Claims 11-25 are pending in this application. In the Amendment A, claims 1-10 were cancelled, and claims 11-25 were added. In the Provisional Election, Applicant's election of Group I (claim 11) with traverse is acknowledged.
3. Applicant's election with traverse of Group I, Claim 11 in Paper No. 11 is acknowledged. The traversal is on the ground(s) that the claims of the present invention appear to be part of an overlapping search area, and thus a search and examination of the entire application would not place a serious burden on the Examiner. This is not found persuasive because, as indicated in the previous communication, Group I is drawn totally to the functional aspects of mechanical keys as part of the operating unit for an image forming apparatus, and Group II is drawn completely to a graphical user interface (GUI), wherein all interactions are being performed on one or more portions or regions of the GUI. While overlaps in the search area occur, as with most inventions relating to GUI's, in the present invention, it is due to the GUI being applied to an image forming environment. Thus, the requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imada (US 5,880,851) in view of Abe et al. ("Abe", US 6,353,482 B1) and Tomidokoro et al. ("Tomidokoro", US 5,722,029).

As per claim 11, Imada teaches an operation and display section of an operation unit for an image forming apparatus (fig. 3; col. 4, lines 30-37) comprising:

a touch screen panel substantially centered on the operation unit (*touch panel display 7*);
numeral keys (*numeric keypad 5*);
a clear/stop key (*key 51*);
a start key having a larger diameter than the numeral keys (*key 6*);
a reset/preheat key (*key 56*), and an interrupt key (*key 57*);
a set/counter key (*key 62*).

Imada does not disclose/teach: (a) an enter key, a program key, a trial copy key, a copy key, a copy server key, and a printer key; and (b) the positions of the keys relative to each other as claimed.

Per (a), Tomidokoro teaches an image forming apparatus, wherein the operation and display panel includes an enter key, a program key, and a trial copy key (col. 7, line 42; col. 5, line 39; and col. 6, lines 10-11; *keys 112, 63 and 72 respectively*). Furthermore, Abe teaches an image forming system having operation mode selection keys for selecting one of Copy (*Copy*), Copy Server (*File*) and Printer (*Printer*) modes on the operation panel (fig. 3; col. 4, lines 48-52).

It would have been obvious to an artisan at the time of the invention to include these well known keys of Tomidokoro and Abe with Imada's operation unit in order to provide additional useful functionalities and capabilities to Imada's apparatus.

It is noted that some of the keys as taught by Tomidokoro and Abe, such as Trial copy and Copy server keys, are presented as "soft" keys on the touch panel display rather than as mechanical keys as claimed. However, Official Notice is given that interchangeable use of "soft" and mechanical keys are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the keys with Imada's operation unit using either method according to the choice of preference and implementation.

Per (b), although the positions of the keys on the operation unit of Imada, Tomidokoro and Abe are positioned in proximity of each other, they are not necessarily positioned in specific positions relative to each other as claimed. However, it would have been obvious to an artisan at the time of the invention that the specific location of where the keys are to be situated is not a factor in determining their functionalities, so long as the keys perform all required functionalities.

Response to Arguments

6. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (US 5,717,977) teaches an image forming apparatus with control based on recording material type.

Yoshizuka et al. (US 4,970,549) teaches a display device in an image forming apparatus.

Nakahara et al. (US 5,434,650) teaches an image forming unit management system.

Hashimoto et al. (US 5,907,319) teaches an image forming apparatus promoting easy function setting.

Art Unit: 2174

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Sy D. Luu
Patent Examiner
May 29, 2002